

The state of the immigrant body and the body of the State: negotiations at the interface'

O estado do corpo imigrante e o corpo do Estado: negociações na interface

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Abstract

Using an ethnographic analysis of the social interfaces between state agents and Cape Verdean students in Portugal, observed through participant observation in medical appointments, social work, immigration services and legal support to immigrants, this article aims to examine disciplinary state practices and the negotiations and power struggles that take place. The ethnographic cases discussed demonstrate how the idea of a fair and neutral state is simultaneously reproduced and denied in practice, thus elucidating the state as a symbol of union of an effective disunity. The ethnographic examples also indicate other dimensions of state practice, besides micro-disciplinary powers, which create room for flexibility and adaptation. And it is in this sense that ethnographies of interfaces between state and citizen offer a more relative perspective of excessively systematic interpretations of governmentality, illustrating how the effects of contradictory state practices are as unpredictable as human action itself.

Keywords: The State; Immigration; Cape Verde; Governmentality.

Resumo

Por meio de uma análise etnográfica das interfaces sociais entre agentes do Estado e estudantes cabo-verdianos em Portugal, observadas através da observação participante em consultas médicas, em trabalho social, no Serviço de Estrangeiros e Fronteiras e no serviço jurídico de apoio ao imigrante, este artigo pretende examinar as práticas disciplinares do Estado e as negociações e lutas de poder que ocorrem. Os casos etnográficos discutidos demonstram como a ideia de um Estado neutro e justo que trata todos os cidadãos em pé de igualdade é simultaneamente reproduzida e negada na prática, elucidando como o Estado constitui um símbolo de união de uma efetiva desunião. Os exemplos etnográficos também apontam para outras dimensões da prática do Estado, além dos micropoderes disciplinares, onde se cria espaço para flexibilidade e adaptação. E é nesse sentido que etnografias das interfaces entre Estado e cidadão servem para relativizar interpretações excessivamente sistemáticas da governamentalidade, ilustrando como os efeitos das práticas contraditórias do Estado são tão imprevisíveis como a ação humana.

Palavras-chave: Estado; Imigração; Cabo Verde; Governamentalidade.

Introduction

This article provides continuity to work carried out on maternity and the politicization of immigrant bodies in Portugal amidst students from Cape Verde that examined the relationship between biomedicine, culture and power (Challinor, 2012a). The aim is to widen the observational field in order to focus on social workers, the Foreigners and Borders Service (SEF) and the Office of Legal Support for Immigrants (GAJI). Using the ideas of Foucault (1979, 1994) on governmentality and biopower as a backdrop, the objective is to examine disciplinary practices and control of individual bodies in social interfaces (Long, 2001) between agents of the state and immigrant citizens. If, on the one hand, these practices demonstrate that the state exercises its power on immigrant citizens, on the other hand, it also sheds light on the “disunity” of the state through the differentiated and contradictory practices of its institutions and agents. From this point of view, the state’s exercise of power, which is no longer monolithic and autonomous, only becomes perceptible through analyzing its practices at the interface of state and citizen.

The field work took place with a student population from Cape Verde between 2008 and 2010, in the city of Porto, and in 2012-2013, in a town in the north of Portugal. The main methodology used was participant observation, accompanying students in appointments with state officials. Interviews were also conducted with the students and documental analysis of national journals was performed to perceive the types of discourse produced about immigrants in Portuguese society.

Everyday relationships: power and the state

The definition of power adopted by Foucault represents, according to Gledhill (1994), a turning point in how the workings of power, and in particular of state power, have been conceptualized. Classical sociological theories saw the state as an executive committee of the dominant class (Marx and Engels, 1969) or as a human community successfully claiming the legitimate use of physical force within a

specific territory (Weber, 1946). Foucault sees power as present in all social relationships, permeating society like capillaries, rather than descending from one single center of control – the state. And it for this reason that Foucault does not view resistance as a politically organized collective action, preferring to highlight individual everyday strategies which combat, on a small scale, specific forms of domination. These include technologies of power, which are practical techniques for disciplining, monitoring and managing the subject (Gledhill, 1994). This article aims to examine the technologies of power which politicize the body.

The politicization of the “body”

The difference between the experience of an individual and a community body is connected to various ways of producing knowledge of the body and also to various ways of transmitting knowledge (Joaquim, 2006). This distinction serves not only when speaking of the different meanings that the “body” may have for a young immigrant mother from Cape Verde, which go unnoticed by health care professionals and social workers in Portugal, but, also, when analyzing political public discourses on citizenship and social inclusion which produce another type of community body. The conflict between the individual and biological body, associated with medical intervention, and a community body, associated with family and social relationships is evident in the example of painless childbirth. An epidural deprives an African woman who gave birth in a hospital in France of “[...] her affiliation to her mother, and to other women from her lineage [...]” as she did not suffer “[...] the necessary pain [...]” (Joaquim, 2006, p. 42). However, this dichotomy between the individual and community body can be misleading, as political public discourses of citizenship and social inclusion also aspire to create a community body – a “politicized body” of the body politic. This is an imaginary collective body which every citizen must cater to by using techniques of monitoring their own biological body (Foucault, 1994).

Obesity, for example, is a concern for the individual body, but also for the collective body. Low birth weight is another public health concern in Portugal.

From this point of view, the experiences of mothers from Cape Verde in Portugal are not positioned between Western concepts of the individual body and African concepts of the community body. Both concepts are community, although in a different way. To distinguish between them, we could call the “community body” of the African mother – the “social body” depending on social relationships, on the feelings and actions of others (Scheper-Hughes and Lock, 1987). We could also call the “community body” of technologies of citizenship the “politicized body”, exercising power over the body or, in other words, politicizing the body. It is when the biological body of the immigrant mother is subjected to technologies of citizenship that the “social body” intersects with the “politicized body”. And it is this meeting, or lack thereof, between the “social” and “politicized” body that the “individual body” can be produced as distant and stuck in its individuality and suffering (Joaquim, 2006).

The ethnographic cases presented show how technologies of citizenship create and, at the same time, hide the “politicized body”, through a supposed opposition between an individual body – the individuality of which is promoted through the “triumphant rationality” of the state (Cunha and Durand, 2011) which has no need to justify itself – and a “culturally irrational” community body, from which the state requires justifications.

The ethnography will elucidate an alternative opposition between the “social body” of a community collective, historically rooted in a place, and a “politicized body” of an uprooted community collective, politically engineered by technologies of citizenship and social inclusion. These technologies disguise the regulation and politicization of the “body” with the supposed rational neutrality of the state, ignoring or depreciating the “social body”.

In order to situate the ethnographic data, an analysis of two newspaper articles published in the *Público* offers a small sample of the discursive context in which the practices of power and of governance are applied in politicizing the “immigrant body” in Portugal. The title of the first article states “Percentage of children with low birth weight keeps rising” (Campos, 2010a, p. 6). Immigrant mothers, especially African mothers, are identified as the

main cause of this phenomenon, described in the article as “[...] a health indicator which is worsening and transmits a negative image of the country at an international level”. The text identifies health risks for the baby, as well as some common causes of low birth weight, such as poverty and lack of antenatal vigilance. However, the article cites the opinion of the Health High Commissioner², affirming that these are not the principal causes of the problem in Portugal.

Without denying that prematurity and low birth weight are causes for concern, [the high commissioner] argues that this phenomenon is partly explained with the decreasing birth rate in Portuguese women - which means that the weighting of births in the immigrant community is increasingly greater [...]. And it is in women of African origin that there are higher rates of prematurity, even for genetic reasons, the high commissioner emphasizes (Campos, 2010a, p. 6).

The article reports that the Algarve is the region with the most immigrants and with the highest rates of low birth weight. The newspaper article (and not the high commissioner, who was not responsible for the production of the text) transmits an implicit message that African women contribute to the negative image of the country and the political community in which they find themselves. The text, on making reference to the high commissioner's statement that the cause of low birth weight in babies of African origin is genetic, seems to want to suggest that this is something natural, and therefore not necessarily negative. Low birth weight indicators can, in fact, be questioned in the light of the statement by Gottlieb (2004) that indicators of growth, despite being used worldwide, should not be used as universal norms, as they are based on research conducted solely with children of European and North American origin. But, on removing the guilt from African mothers, attributing it to genetics, the article also creates a biological determinism separating white Portuguese women from African women (who may no longer have had immigrant

status, having acquired Portuguese nationality) and producing, through naturalized ethnocentrism, a genetic hierarchy.

The newspaper article does not question whether prematurity among immigrant women could also be associated with poverty. Maternal malnutrition and lack of antenatal care are excluded from the positive factors responsible for the phenomenon simply because statistics show that the number of antenatal appointments in health care centers did not decrease. But this statistic does not distinguish between Portuguese and African women. On associating the African body, biologically individualized, with the principal cause of the phenomenon, the “social body” of the African mother is ignored in order to focus attention on the biological body, and on how this body increasingly contributes to statistics which produce a negative international image of the political community. It is in this way that the body comes to be politicized in public discourse.

The low growth of the birth rate in Portugal also constitutes another worry for the political community, evident in public discourse and also expressed in a newspaper article in the *O Público* journal alleging that, in 2009, it was at an “all time low” and, despite small variations, the trend is for the birth rate to continue to fall. The cause of this phenomenon is identified in the effects of the “[...] reduced number of children per couple and leaving child bearing until later in life” (Campos, 2010b, p.14). The article explains that “delayed fertility” cannot always be recovered due to, for example, infertility. In 2009, in Portugal, the mean age at which women had their first child was 28.6 years old. In the article immigrants are identified as a factor which helps to increase the “[...] physiological population balance” affirming that immigrants “[...] have helped to offset the ageing of the population”, stating that “on average, foreigners have more children” (Campos, 2010b, p. 14). The article does not go into detail as to who these foreigners are. In this case, “the other” is homogenized. However, the contribution of African immigrants to increasing the birth rate is referred

² The High Commissioner of Health was at the head of the Health High Commission, a body of the Ministry of Health created in 2007 responsible for planning and coordinating the National Health Plan in Portugal. It was terminated in late 2010 and its duties passed to the Directorate General of Health.

to by one of the mothers from Cape Verde, whom I accompanied into appointments and interviewed in this research, as a way of protesting against the politicization of her body which devalued the “social body”. The next section will discuss the way in which agents of the state – doctors and social workers in the national health care service – politicize the bodies of student mothers from Cape Verde.

The body and the state

When a young student mother from Cape Verde has a doctor’s or social services appointment in Portugal, she enters the consultation room not only with her individual and biological body, but also with her “social body”: a body permeated with customs, routines, knowledge and life stories of the day to day social life of a community collective historically rooted in a place. If the place of origin is a rural community in Cape Verde the mother may, for example, be worried about the baby not developing properly, because she has not yet “cut the milk”. This is an expression used in Cape Verde to refer to the moment when sexual relations with the father of the child are resumed after the mother has given birth and it is considered important for the baby’s development. Or, if the baby’s colic did not improve, despite drops prescribed by the doctor, the mother may try a home remedy sent through the post by her own mother as, in the words of one such mother, applying a warm liquid – called “*ceti di pulga*” (jatropha oil) made from the seeds of a plant (jatropha curcas) – to the baby’s abdomen always soothes colic.

When the doctors and social workers see the young woman enter the consultation room they also observe with the eyes of their own “social body”, permeated with other customs, other life stories, other routines and forms of knowledge that are inevitably different. However, some of these routines and forms of knowledge do not stem from Portuguese society in general, but rather from a specific profession, permitting the doctors and social workers to exercise power in the name of the state.

When, for example, a doctor, worried about an underweight 9-month-old baby, asks the mother what she feeds the baby for breakfast, the mother responded she gave the baby soup. Visibly surprised, the doctor exclaimed: *Soup! That’s not what I told you to give him for breakfast, I told you to give him milk.* She then asked a rhetorical question, thinking according to her own “social body”: *But you don’t have soup for breakfast, do you? I do,* replied the mother, and perhaps thought, for a few seconds, about the soup she used to eat early in the morning in Cape Verde, when she went to work for the local association, constructing dikes and walls (*arrêtos*) to prevent erosion on the mountainsides before going to school, *Ah,* responded the pediatrician, *so, give him soup for breakfast. What kind of soup do you make?* This last question is not rhetorical, as the doctor wanted to discover why the baby was underweight.

He’s tall. He doesn’t want to put on weight. They always say he should be putting on more weight, but I’m thin, his father is thin, there’s just no way... the mother tried to get it off her chest, in an interview a few weeks after the appointment. And it is in these kind of circumstances that the body may become politicized. This is evident in the following case, of a young mother called Cristina, whom I accompanied in an appointment with a social worker, from whom she wanted to apply for a social security child minder³ for her as yet unborn child.

This type of appointment always begins with a conversation in which the social workers asks a lot of questions, in a kind and apparently informal way, so as to discover the socio-economic situation of the individual requesting help. Cristina spoke very quietly, in Portuguese which was strongly accented with Cape Verde Creole, which meant that the social worker could not always understand her, and asked her to repeat her responses. At one point, after asking her to repeat once again, the assistant exclaimed: *I can’t understand you properly!*

This is a meeting between two “social bodies” in different contexts. But the social worker’s next comment – *I don’t know if the problem is me or you*

³ A Social Security child minder works for the State and cares for one or more children not related to her. The families are charged for the service calculated according to their earnings.

- transforms the “social body” into an individual and politicized body in which it was necessary to detect an individualized defect for communication difficulties. The defect or the blame certainly does not apply to anyone. The social worker was not obliged to understand the different way in which Cristina spoke, nor was Cristina obliged to speak as if she were Portuguese. But the concern concern to identify a defect may be interpreted as a veiled criticism of Cristina’s inability to speak with the same pronunciation as a Portuguese. Whether the comment disguised a technique of politicizing Cristina’s body is in doubt; however, what it says with respect to the rest of the appointment can be clearly seen in how the issue of birth and contraception was approached as a way of politicizing the individual body, depreciating the “social body”. After the information necessary for evaluating the case was obtained, the tone of the conversation changed.

Social worker: *Your situation is not the most suitable for having a child. Didn't you use anything?*

Cristina: *I was taking the pill, but I was in Lisbon and didn't have it with me. The pill in Cape Verde is different, if you forget to take it, you can take two the next day.*

Social worker: *And didn't you use a condom? If he didn't want to, that's his problem. You have to stick to your convictions.*

The assistant frowned and leaned to one side in the chair, imitating Cristina rejecting her boyfriend’s amorous advances. Cristina kept quiet.

This recommendation demonstrates just how much the social worker was taking for granted. Was it the boyfriend who insisted on having sex and was it him who did not want to use a condom? What are Cristina’s convictions? And what convictions was the social worker talking about? Those of the state? Or was she trying to use the state to try to impose her personal values, which include looking askance at single mothers and relying on benefits?

The social worker broke the silence: *you know that a child is a responsibility*. Cristina responded that she had experience caring for her niece from the day she was born: *The child of an older sister?* the social worker asked. *No, a younger sister*, Cristina responded. To which the social worker replied:

Ah... but looking after someone else's child is not the same thing, because when you have your own you have to be there all the time, for your whole life. Even when they are grown up, we worry about our children.

Silence. Perhaps Cristina was thinking about her extended family of aunts, grandmothers and godmothers who bring up and help to bring up nieces and nephews, grandchildren and godchildren - a Cape Verde practice of extended maternal care which has spread over the globe due to the long history of emigration from Cape Verde. The Cape Verde “community body” is connected to a social economy in which not only affections, information and knowledge, but also people, circulate. It is common for mothers studying in Portugal to send their children to Cape Verde to be brought up.

Once again, the social worker broke the silence, asking what was obviously a rhetorical question, given Cristina’s swollen belly: *And you didn't have an abortion?* Cristina shook her head. *Hmm*, said the assistant, lowering her head and changing the subject to talk about provision of baby things she could receive from the state.

By asking for state help, Cristina was trying to reinforce her social inclusion in the political community. To “deserve” this assistance, her “social body” had to be politicized by technologies of citizenship and social inclusion. The question about abortion revealed a logic of total denial of Cristina’s “social body”, as if it were a mere individual decision to be made - a recommendable practice of any good citizen of the political community, to which she was now turning to ask for help. However, this political community is also uprooted from its local context.

The issue of legalizing abortion was controversial in Portugal, leading to ethical and religious questions and debates in a country which, like Cape Verde, is largely Catholic. But this ethical and religious dimension seems not to have been noticed by the social worker. While accompanying us to the elevator, she came across another social worker, with whom she discussed the case of a woman she described as “very stubborn”, because, in addition to her baby having Down’s syndrome, among other problems, she was not in a situation to look after the sick baby.

It was the suggestion of abortion which made Cristina most uncomfortable. Her comments clearly revealed that she felt herself to be a legitimate member of the political community who had also made her contribution. Rejecting the individualization of her body, Cristina not only explained her behavior in the light of the Cape Verde community collective, but also in the light of the Portuguese political collective, of the discourses on birth rates in Portugal. In this sense, Cristina also exercises power, politicizing her own body.

I don't like using condoms, they are uncomfortable. I don't regret not using them. It's my child. It's not her who is going to be responsible for the baby, I am. Here, they have abortions so easily: young people get pregnant and have an abortion... In Cape Verde, at my age [23] and even younger, it is normal to have a child. The "pulas" [that's what we call the Portuguese] have children much later. They take so many medicines that afterwards they can't even have children. That is why I like Sócrates⁴. He says that it is thanks to people from Cape Verde, Angola, Mozambique that the population is younger. It's us, the blacks, who are helping to keep the country younger.

The social worker's attitude to Cristina can be interpreted as a reflection of reproductive policies – a good example of the practice of “stratified reproduction” (Ginsburg and Rapp, 1991, 1995) –, in which certain categories of individuals are discouraged from reproducing. Cristina defied this posture – resorting to the political discourses of the political community on Portugal's low birth rates which, as has been seen, circulated in Portuguese newspapers – to transform her personal situation of unplanned pregnancy into a position of belonging to a political project dignifying her place in the collective, affirming her contribution and her self-esteem. However, as with other single mothers from Cape Verde living in Porto, Cristina also knew that the community, politically engineered, does not correspond to the society in which she finds herself. Talking about the legal rights of single mothers to receive social

security, and of how they are frowned on in Porto for not being married, another mother stated in her interview: *In the state, it's a law, they can't do anything, it's the law, it's the law, they have to accept it, but in society itself, it's not really like that, There, if you are married, you really are valued differently.*

If all citizens are equal in the eye of the law, this is not the daily experience of single mothers from Cape Verde in Portuguese society⁵. When, weeks after the appointment with the social worker, in an exchange of text messages with Cristina on a possible change of professional course, she wrote the following: *on the other course they are still selecting, there are more than 60 people, I'm the only black, so there's not much chance.* I felt obliged to respond: *I really hope not, because it's not our skin color which determines our value.* There was no response. Perhaps because Cristina understood what I have written in another context (Challinor, 2012b), that phenotype markers in the individual body, in the biological body such as skin color, function in society as involuntary embodiments of identification and belonging to imaginary collective identities, with which the “social body” of the biological body does not always identify itself. The question remains, but it is certain that Cristina did not identify herself with the morality imposed by the state, despite her having come into line with the state in order to request assistance to which she had a right as a citizen who was also helping the state to combat the ageing population.

But, when we talk about the state, what are we talking about? Given that the state does not impose abortion on citizens, we can argue that the social worker was imposing her personal values. Is it a disguised way of imposing morality, exercising power under cover of the state? The case of another student who alleged that the nurse in the health care center who, after finding out she was pregnant, accused her of being irresponsible and stopped being friendly in appointments or greeting her in the street, throws light on the influence of the personal values of state agents.

Analyzing such postures as practices of biopower on the part of the state requires an “analytic

4 The then Prime Minister of Portugal.

5 This is also the case for Portuguese women, even without children, being married confers a different status.

shift because it moves from seeing the state as an institution which founds things, to an institution which is founded on concrete practices and human relationships” (Santos, 2010, p. 226). From this point of view, the activity of the state is less predictable. Instead of appearing as an “autonomous source of power” (Santos, 2010, p. 151), it appeared with differentiated and contradictory practices of negotiation and resistance.

Contradictory state practices

When we look at the state as a set of practices, its apparent unity and coherence is easily called into question, given that the different institutions of which the state is composed do not form a single unit of interests, nor exhibit unity in their practices. It is perhaps useful to think about the distinction made by Abrams (1988) between the *idea* of the state and the *system* of the state, with the provocative statement that we should cater to the senses in which the state does not exist.

The effective disunion of the state is evident in the contradictory practices of the Foreigners and Borders Service (SEF) in Portugal, the centers of which respond differently to applications to renew residence permits made by students from Cape Verde intending to stay in Portugal after finishing their studies. It is common knowledge among students which centers will renew their residence permits more easily. The different postures observed in SEF offices and mediators from the National Council of Immigrant Support (CNAI) also fail to exhibit a unity of practice, given that the role of the mediator is characterized by a more flexible approach in interpreting the law, social norms and institutional protocols. Instead of approaching the law as a set of fixed restrictions, the role of the mediator is that of dealing with this as a space for inter-cultural adaptability (Agustí-Panareda, 2006).

During the field work, I accompanied some students to the CNAI Legal Aid Office, in Porto, where the cultural mediators helped write statements to accompany applications to the SEF to renew expired visas or residence permits. The statements were written on blank paper, with no CNAI letterhead or stamp and signed by the interested parties. The role of the mediator was to help the immigrants argue their case in the most favorable light possible, in light of the “[...] legal regime governing foreigners entering, staying and leaving Portugal” (Portugal, 2007, p. 4290).

“National interest or humanitarian reasons?”

Having a baby, doesn't prevent you from renewing your visa, exclaimed a SEF official. The complicated circumstances which the mother, a student from Cape Verde, tried to detail orally, in order to justify her failure to renew the visa for example, that she had left Porto to have the baby with relatives in Lisbon should, according to the official, be explained in a statement. *Help me*, the mother asked in a low voice. I tried to help, writing something on the form with which we had been provided, but the official did not approve the result and recommended using the support of the CNAI legal aid office, also suggesting she make use of article 123⁶ - exceptional circumstances - to renew the visa, which had expired almost a year before. The mother asked me to go with her to CNAI the following day to ask for assistance in writing the statement.

It is obvious that you couldn't renew the visa... What happened is totally understandable... they do like to complicate things. This comment made by the CNAI cultural mediator shows how, in her opinion, having a baby in Lisbon was a satisfactory justification for failing to renew the visa in Porto. Neither does the CNAI official agree with the SEF recommendation to take recourse to article 123: *This is paranoia, saying everything is special circumstances*. The cultural

6 “When special circumstances to which article 122 do not apply are verified, such as cases of authorizing residence for humanitarian reasons under the law which regulates right to asylum, through a proposal of the SEF director-general or the initiative of the Ministry of Internal Administration, an authorization of temporary residence may, exceptionally, be given to foreigner citizens who do not meet the requisites required by the present law:

a) For reasons of national interest;

b) For humanitarian reasons...” (Diário da República, 1ª série, nº 127, 4 July 2007, p. 4314).

mediator asked us in which box we thought the situation best fitted: national interest⁷ or humanitarian reasons? Humanitarian reasons? I asked, tentatively. She responded that there was a better option - 122J⁸ - for individuals whose visas had been expired more than six months and who had not left the country. She explained that regime 123 is for special circumstances to which regime 122J does not apply. *People use and abuse special circumstances*, she continued. *Having a baby is not a special circumstance, although, of course, for the mother it is, but I don't see that these are humanitarian reasons we are dealing with here.* The mediator began to ask questions and, using the mother's responses, wrote the statement.

The mediator informed us that, even if she managed to renew her residence permit, the mother would need to pay a fine. I asked if there was any way she could be exempt. The mediator replied that this would not be possible, but that she could apply to be exempt from fees. However, she added that this was a *double edged sword*, because if she claimed lack of financial resources, the visa might not be renewed. However, she applied to be exempt from the fine and the fees, arguing in the statement that the money with which the fine would be paid would come from social security destined to pay for things for the baby. The "double edged sword" in the statement was avoided without claiming lack of funds, by claiming that the money to pay the fine would come from antenatal subsidies. How could the state give with one hand and take away with the other?

The mother's visa was renewed; she was exempt from paying fees and allowed to pay the fine in installments. This case demonstrates how the state materializes through contradictory practices, negotiations and disputes which depend, in part, on the personal values of those involved. But, how are we to analyze the following paradox? For the SEF official, having a baby did not justify her failure to renew the visa; however, the official recommended using the special circumstances regime, invoking humanitarian reasons. This is a politicization of

the body, similar to state practices in France, where illegal immigrants had to prove to the state that their circumstances constituted a form of legitimate moral suffering in order to legalize their stay (Ticktin, 2011). However, for the cultural mediator, maternity justified the immigrant not complying with the regulations, without needing to politicize the body by refusing to treat it as a humanitarian case. Is this because the normalizing view of the SEF official saw this as a pre-established category of a single individual - illegal immigrant in the eyes of the law -, which would depend on the charity of the political community? The CNAI mediator demonstrated another dimension of state practices, in which there is space for integrating knowledge of life and of the social body, for negotiation and flexibility in interpreting the law. It is not the central and regulatory power of the state which determines the effects of the law. In reality, it is human relationships negotiated at the social interfaces (Long, 2001) which determine the ways in which the law is interpreted and implemented.

"I don't neglect my daughter"

At the end of their studies, a strategy frequently used by the students of vocational training colleges from Cape Verde to renew their residence permits in Portugal is to enroll in a different vocational training college in another, course. This was also the intention of a Cape Verdean student named Isabel, who had gone to join her family in France after her course had finished and found work there. During her stay in France she also had a baby and allowed her residence permit to expire. Almost a year later, she returned to Portugal by bus, with her baby, without being subject to any border control, with the intention of renewing her residence permit and returning to France, where it was more difficult to renew documents. In order to do this, she planned to enroll in a new vocational course and stay with a friend, temporarily.

7 Looking at the case from Cristina's point of view, this could be considered a case of national interest, as it would help increase the population.

8 "A visa is not needed for residents of third countries to obtain authorization for temporary residence... j) If they have not left national territory and whose right to residence has expired..." (Diário da República, 1ª série, nº 127, 4 July 2007, p. 4314).

I went to the CNAI with Isabel, where we asked for help to prepare the statement for the SEF. She stated her intention to enroll in a vocational training course in Portugal, but the mediator said this would not help and that, if possible, it would be better to enroll in a university, thus to be able to apply for the renewal of the expired residence permit under article 91, 3º - which authorizes renewals of expired documents for the purposes of higher education. The mediator thought this would be better than making the application based on humanitarian reasons, as her reasons were not “strong” enough and the application would probably be rejected. On reading a copy of this article which the mediator had provided, I noted that renewal was permitted as long as the individual had not left the country. *We can say that she did not leave the Schengen area*, replied the mediator, shrugging her shoulders and gesturing with her arms, letting us understand, through her body language, that a positive outcome would also depend on the art of persuasion.

The mediator asked whether Isabel had the means to pay university fees and, when she replied in the affirmative, explained that she would have to provide proof of enrollment, residence and means of living (equivalent to the minimum wage¹⁰). In the following days, Isabel asked her family to send money through Western Union, enrolled in a private faculty in Porto, got proof of residence in her friend’s house and handed all the documents in to a SEF official together with the statement demonstrating her desire to continue studying in Portugal.

In an interview, Isabel told how her absence from the country and her return without a visa were interpreted by the SEF official as a case of being in the country illegally, without solution, and that she was at risk of being deported. Her report of events illuminates the nature of the “social interface” as a critical point in the interaction between lifeworlds, social fields or levels of social organization in which social discontinuities exist, based on different values, interests, knowledge and power (Long, 2001).

Isabel’s report is adapted from a recording in Creole.

I gave her the statement that the CNAI lawyer had prepared, and the SEF official said “You don’t even need to start the application”. Why? [Isabel asked]. “Your application is very complicated and will cost a lot of money”. How do you mean?

In the official’s first reaction, we can already observe how he had gone beyond the remit of a state official. The fact that the application was complicated and potentially costly did not in itself constitute a reason for implying that it would not be accepted. It is not the official’s place to make such decisions, which he went on to justify in the light of a rigid interpretation of the law, which would deny Isabel the right to stay in the political community.

“Your application is impossible, you left the country and when you returned you were illegal, you should have entered Portugal legally”. I replied that I had to go to France because I was here with the baby, and I couldn’t manage, so I went to France to be near my family, you know? And they helped me, but now I want to come back and study...

Isabel evoked the social body to justify her leaving the country and said the baby was born in Portugal (when it was actually born in France), claiming that she could not manage on her own, in order to give more force to her arguments.

He replied that my application was impossible, that he had already consulted with his colleagues and later said: “Why don’t you try to study in France?” I replied: “No, it’s here that I want to study”. He said, it was my decision, but if we started the application it would not get anywhere, and then my eyes started to water; and then he asked why I didn’t return to Cape Verde and apply for the visa there? I asked why I couldn’t apply here, since I was already here and argued that even though I had gone to France, it was still within the Schengen area - that was what the lawyer said... I didn’t leave Europe... I came illegally, but I came by bus... I didn’t fly... but he replied that

9 “A residence permit for purposes of study in higher education may, exceptionally, be conceded waiving the requisite in paragraph a) of nº 1 article 77, as long as the national from the third country has legally entered and resided in Portugal and meets the conditions established in nº 1.” (Diário da República, 1ª série, nº 127, 4 July 2007, p. 4308).

10 In 2008, in Portugal, the minimum wage was 426 Euros, increasing to 450 in 2009 and 475 in 2010 (see <http://www.pordata.pt/Portugal/Salario+minimo+nacional-74>).

the law was the law and asked why didn't I go to Cape Verde to apply for the visa? I told him that my classes had already started (Isabel laughed in the interview with me) and he said: "No, this way, you can make the most of it and spend Christmas with your family".

Here is another example of the official exceeding his professional duties, making personal suggestions which had nothing to do with the issue in question. Isabel's description provides a good example of the individual strategies and power struggles at the interface between citizen and state: if the official is going to interpret the law to the letter, Isabel also knows how to take on the role of a student enrolled in university, anxious to begin classes. She is aware that the official has no business commenting on her personal life. The power struggle increased when the official made use of discipline and monitoring technologies invoking the higher powers of the state, followed by a sudden change of tone which almost amounted to emotional blackmail.

I replied that it was my decision, nothing to do with him, but he said that starting the application would result in being deported from the country. My application would be rejected, I would have to leave the country and in order to stay I would need a lawyer to bring the application to trial... and I said that I had not done anything to merit being deported and he said: "What a shame, you'll have to spend all that money paying fines and you could spend it on the baby". I replied: "But I want to start the application regardless! And he said: "Think about it young lady, think about it. You're going to spend all of your money on something which won't come through and your daughter is little, she's a baby, I already told you, my colleagues said the same thing, it's not going to work, the best solution is to go back to..."

Isabel interrupted him:

Who can guarantee that I'll get the visa in Cape Verde? I'll spend the money, and for what? What if I can't come back? I'll be there with my daughter, no

studies, nothing? A ticket to Cabo Verde costs how much? Six hundred, eight hundred euros.

After Isabel exposed the fallacious logic of the suggestion to return to Cape Verde to gain her residence permit for Portugal, the official once again invoked higher state powers to interfere in her family life. The power struggle continued with yet another change in register, in which the mother's supposed lack of economic means was evoked to call into question possession of the baby.

He said that I ran the risk of [the state] taking my baby. At that moment, as you can imagine, I was distraught, sad, crying because my application was not going ahead, he said that there was a risk that I would be deported alone and that Social Services would take my baby... then his colleague [who overheard] said: "Wait a minute, it's not quite like that". I said to him: "wherever I go, here, there, anywhere, my baby goes with me. I don't neglect my daughter". [the official] "But if you're not able to support her". Who said I couldn't support her? I told him, "I'm here, I treat my child well, I'm not on the street, I clothe her, everything I can possibly give her, I give her, it's not enough, but it's the basics, the only things missing are the documents, which I don't have yet".

Isabel's account shows how the SEF official exceeded his professional duties, mixing in personal suggestions which had nothing to do with the case. Perhaps he did not believe in Isabel's intentions to study in Portugal. But what did that have to do with him? The official made various assumptions about her personal life: that she had family in Cape Verde, that she should study in France, or that she had financial problems which might interfere with her ability to care for the baby. The official's attitude reflects a growing moralization of social questions in Portugal (Cunha, to be published¹¹); however, the intervention by the SEF colleague, suggesting greater prudence in his assertions, raises the question again of whether the SEF official was imposing morality, exercising power under cover of the state.

11 CUNHA, M. P. Notes on the current management of social problems: globalized agendas in control, protection and correction. In: PUSSETTI, C.; BORDONARO, L.; BARROS, V. Who cares? the transnational politics of welfare, security and citizenship. Oxford: Berghan, no prelo.

Relevant here is the claim made by Walters (2012) that governmentality is a widespread phenomenon – in no way confined to the state sphere – evident whenever individuals and groups seek to mold their own conduct and that of others.

In spite of the SEF official's intransigence in interpreting the law, other state agents were more flexible, and in the end the residence permit was renewed and none of the threats were realized. Isabel decided not to start her application that day, and went to another center, where she was advised to prepare a statement explaining her reasons for leaving Portugal. The application for renewal was approved, allowing Isabel to return to France legally. This case elucidates the State's internal fragmentation, whose supposed neutrality towards the citizen is negated in practice.

Conclusion

By conducting an ethnography of social interfaces characterized by negotiations and power struggles (Long, 2001) between immigrant citizens and state officials, the unified symbol of the State is revealed in practice as an effective disunity (Abrams, 1988). Foucault's genealogical method, the starting point of which is not the state as a previously established universal, but rather practices of government, procedures and historically determined events, helps to perceive how these converge to form the state (Santos, 2010). However, the ethnographic cases discussed also illustrate how the idea of the neutral and fair state which treats all citizens equally before the law is not true in practice. If, on the one hand, the ethnography sheds light on "state regulatory power over the body and the individual, experienced as too authoritarian, distant and opaque" (Cunha and Durand, 2011, p. 23), on the other hand, the examples discussed here also indicate other dimensions of state practice, in addition to disciplinary micropowers, in which a space is created for flexibility and adaptation. And it is in this sense that ethnographies of the interfaces between state and citizen serve to relativize excessively systematic interpretations of the workings of state governmentality, elucidating how the effects of contradictory state practices are no less predictable than human action itself.

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